

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
OFF STAGE PRODUCTIONS, INC., GIPSY KINGS,)
INC. and NICHOLAS REYES, PAUL REYES,
FRANCOIS CANUTE REYES, ANDRE REYES,
MAURICE BALIARDO, JACQUES BALIARDO,
and TONINO BALIARDO professionally known
as the "GIPSY KINGS",

Docket No.: 04 CV 06065 (JES)

Plaintiffs,

-against-

**NOTICE OF MOTION
FOR LEAVE TO WITHDRAW
AS COUNSEL**

PHILLIPE BOURGUES a/k/a MANOLO, JOSEPH
CORTES a/k/a LITO, VERY, LTD. d/b/a LE JAZZ
AUBAR, EX REPLAY INC. d/b/a CIAO

Defendant.
-----X

Barry A. Wadler, attorney of record for defendant, Very, Ltd d/b/a Le Jazz Au Bar moves the court for an order granting leave to withdraw as counsel.

Please take notice that the undersigned with bring the above motion on for hearing before this Court before Honorable John E. Sprizzo in courtroom 21C, 500 Pearl Street, New York, NY on July 12, 2006 at 3 o'clock in the afternoon of that day or soon thereafter as counsel can be heard.

/S/

Barry A. Wadler
Attorney for Defendant
Very, Ltd d/b/a Le Jazz Au Bar
630 Third Avenue - 7th Floor
New York, NY 10017-6705
(212) 687-5911

TO: Michele C. Cerullo, Esq.
Labaton Sucharow & Rudolff, LLP
Attorneys for Plaintiffs
100 Park Avenue
New York, NY 10017

Very, Ltd.
41 East 58th Street
New York, NY 10022
Attn: Howard Stein, President

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OFF STAGE PRODUCTIONS, INC., GIPSY KINGS,
INC. and NICHOLAS REYES, PAUL REYES,
FRANCOIS CANUTE REYES, ANDRE REYES,
MAURICE BALIARDO, JACQUES BALIARDO,
and TONINO BALIARDO professionally known
as the "GIPSY KINGS",

Docket No.: 04 CV 06065 (JES)

Plaintiffs,

AFFIDAVIT IN SUPPORT

-against-

PHILLIPE BOURGUES a/k/a MANOLO, JOSEPH
CORTES a/k/a LITO, VERY, LTD. d/b/a LE JAZZ
AUBAR, EX REPLAY INC. d/b/a CIAO

Defendant.

-----X
STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK

1. Barry A. Wadler, being duly sworn deposes and says as follows:
2. I am admitted to the bar of this Court. I am fully familiar with the facts and circumstances of this action and with the matters set forth in this affidavit.
3. I am attorney of record for the defendant Very, Ltd. d/b/a Le Jazz AuBar ("VERY").
4. I submit this affidavit in support of this motion which seeks an order of this Court pursuant to Rule 1.4 of the Local Federal Rules of Civil Procedure granting leave of the court to withdraw as attorney of record for the defendant VERY.
5. This is an action based on trademark infringement and other causes of action arising from the same occurrences. The Amended Complaint in this action was served in or about

December 1, 2004. Defendant VERY served its Answer and Affirmative Defenses to the Amended Complaint on or about December 23, 2004.

6. VERY is the only defendant that has appeared in this action. Upon information and belief, the other defendants have either not been served or have defaulted.

7. Upon information and belief, on April 5, 2005, VERY filed a petition for reorganization under Chapter 11 of the Bankruptcy Code. I did not represent VERY in connection with that reorganization proceeding.

8. On or about April 18, 2005, I informed this Court of the Chapter 11 filing. On or about April 23, 2005, this Court entered an order transferring this action to the Suspense Docket until April 24, 2006. A copy of that order is annexed to this Affidavit as Exhibit "A".

9. On December 12, 2005, the Chapter 11 proceeding was dismissed. A copy of the Notice of Dismissal of Case is annexed to this affidavit as Exhibit "B".

10. I am owed substantial sums of money from VERY. At the time of the Chapter 11 filing, I was owed \$22,693.03 for my representation of VERY in this matter as well as other matters. I have not received any payment from VERY since October 2004. I do not believe there is any possibility of receiving any payment from VERY at anytime in the foreseeable future. I had a conversation with Mr. Howard Stein, President and CEO of VERY after the Chapter 11 proceeding was dismissed and at that time he stated that VERY had no resources for making any payments to me on account of the sums were due and owing, nor for any future work that I might undertake. I had further a conversation with Mr. Stein regarding the status of VERY and its business which I cannot divulge because of attorney-client confidentiality. However, I am authorized to state that Mr. Stein confirmed to me that I was relieved of any further responsibility

in connection with this matter or any other matters on behalf of VERY.

11. Notwithstanding the forgoing, I am aware that I require an order of this Court relieving me as counsel of record pursuant to Rule 1.4 of the Local Rules of Civil Procedure.

12. This matter appeared before the Court for a pretrial conference on May 16, 2006 at which time I informed the Court that I intended to seek leave to withdraw as attorney of record for VERY. A copy of this Court's Order directing the time, date and place for this motion and for manner of service thereof on VERY together with a copy of the Order is annexed as Exhibit "C".

13. Apart from the exchange of pleadings in this matter, there have been no other proceedings nor are any proceedings presently scheduled. No discovery demands have been served by any party. Apart from pretrial conferences, this matter is not on the calendar.

14. I respectfully request that the Court enter an order permitting Barry A. Wadler, Esq. to withdraw as attorney of record for Very, Ltd. d/b/a Le Jazz Au Bar.

/S/

Barry A. Wadler (BW5495)

Sworn to before me this
5th day of June 2006

Notary

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
OFF STAGE PRODUCTIONS, INC., ET AL.,

Plaintiff(s),

- against -

PHILLIPE BOURGUES, ET AL.,

Defendant(s).
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/26/05

04 Civ. 6065 (JES)

ORDER

Counsel to defendant Vary, Ltd. d.b.a. Le Jazz Au Bar, in a letter dated April 18, 2005, having informed the Court that it has filed a Chapter 11 proceeding in bankruptcy court, and the Court having considered all matters raised, it is

ORDERED that the above-captioned action fits within Rule 20 of the Southern District of New York Rules for the Division of Business Among District Judges, to wit: "for reasons beyond the control of the court [this civil case] can neither be tried nor otherwise terminated. . ."; and it is further

ORDERED that this action be transferred to the Suspense Docket of this Court until April 24, 2006, with leave to any party to apply on five (5) days' notice for its restoration to the trial calendar of this Court; and it is further

ORDERED that a Pre-Trial Conference shall occur on April 24, 2006 at 3:00 p.m. in Courtroom 705, 40 Centre Street.

Dated: New York, New York
April 27, 2005

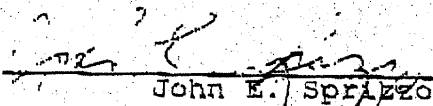

John E. Sprizzo
United States District Judge

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
One Bowling Green
New York, NY 10004-1408**

IN RE: Very, Ltd.

CASE NO.: 05-12248-brl

aka Au Bar

aka Le Jazz Au Bar

aka 58

SSN/TAX ID: 13-3406052

CHAPTER: 11

NOTICE OF DISMISSAL OF CASE

An order of dismissal was entered by the Honorable Burton R. Lifland on in this Chapter 11 case.

This case is dismissed.

Dated: December 12, 2005

Kathleen Farrell-Willoughby
Clerk of the Court

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
OFF STAGE PRODUCTIONS, INC., ET AL.,

Plaintiff(s),

- against -

PHILLIPE BOURGUES, ET AL.,

Defendant(s).

-----X
Counsel to plaintiffs and counsel to defendant Very, Ltd. in the above-captioned action having appeared before the Court for a Pre-Trial Conference on May 16, 2006, and counsel to defendant Very, Ltd. having sought leave of the Court to withdraw from representation of defendant, and the Court having considered all matters raised, it is

ORDERED that, as discussed at the aforementioned Conference, counsel to defendant Very, Ltd. shall submit his Motion to Withdraw from Representation of Defendant on or before June 16, 2006; and it is further

ORDERED that counsel to defendant shall serve both such Motion and a copy of this Order upon defendant, at their last known address, by certified mail, return receipt requested; and it is further

ORDERED that a Pre-Trial Conference to discuss counsel's application shall occur on July 12, 2006 at 3:00 p.m. in Courtroom 21C, 500 Pearl Street.

Dated: New York, New York
May , 2006

John E. Sprizzo
United States District Judge

EXHIBIT C